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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,035	01/20/2004	Clemens Rickert	09225-US	1182

7590

09/21/2005

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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/761,035

Applicant(s)

RICKERT, CLEMENS

Examiner

Alicia M. Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 8-15 is/are allowed.  
 6) ☒ Claim(s) 1-7 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of 3,535,859 in view of Uhlending et al. 6,510,680.

3. Regarding claims 1 and 2, Adams discloses a drive train for a header (10) of a harvesting machine having:

- A frame
- A feeder house (12) mounted on the frame
- The header (10) is releasably mounted to a mounting device (54, 55)
- The drive train comprising
  - A horizontal header drive shaft (99) mounted to the mounting device (54, 55) for movement therewith and driven by the harvesting machine and extending perpendicular to the direction of travel
  - A secondary drive shaft (90), supplying power and mounted to the header (10), driven by the header drive shaft (99).

However, Adams fails to disclose the feeder house having a front face with a mounting device movable with respect to the feeder house.

Uhlending discloses a similar device including the feeder house (4) having a front face

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with a mounting device (14a) movable with respect to the feeder house (4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the mounting device of Uhlenberg on the machine of Adams in order to keep the header to pivot with the crop path.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams and Uhlenberg as applied to claim 2 above, and further in view of van den Bossche et al. 5,527,218.

The device is disclosed as applied above. However, the combination fails to disclose the header drive shaft being connected to a harvesting machine drive shaft that drives the header drive shaft by a connection shaft extending in the direction of travel.

Van den Bossche discloses a similarly driven harvester wherein the header drive shaft (39) is connected to a harvesting machine drive shaft (114) that drives the header drive shaft (39) by a connection shaft (111) extending in the direction of travel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the drive shaft of van den Bossche on the device of Adams and Uhlenberg in order to provide a direct connection.

5. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of van den Bossche et al. 5,527,218 in view of Lapins et al. 3,008,724.

Regarding claims 4, Adams discloses a drive train for a header (10) of a harvesting machine having:

- A frame

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- A feeder house (12) mounted on the frame
- The drive train comprising
  - A horizontal header drive shaft (99) mounted to a mounting device (54, 55) for movement therewith and driven by the harvesting machine and extending perpendicular to the direction of travel
  - A secondary drive shaft (90), supplying power and mounted to the header (10), driven by the header drive shaft (99)
  - The header (10) is releasably mounted to the mounting device (54, 55), as per claim 4; and
  - Wherein the shafts are of variable length, as per claim 6.

However, Adams fails to disclose the feeder house having a front face with a mounting device movable about a pendulum axis in the direction of travel of the harvesting machine with respect to the feeder house;

the header drive shaft is connected to a harvesting machine drive shaft that drives the header drive shaft by a connection shaft extending in the direction of travel, as per claim 4; and

wherein the connection shaft extends coaxially to the pendulum shaft, as per claim 5;

wherein the connection shaft is connected to the header drive shaft by an angular gear, as per claim 7.

Van den Bossche discloses a similarly driven harvester wherein the header drive shaft (39) is connected to a harvesting machine drive shaft (114) that drives the header drive shaft (39) by a connection shaft (111) extending in the direction of travel, as per claim 4; and

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wherein the connection shaft (111) is connected to the header drive shaft (39) by an angular gear (at 112), as per claim 7.

Lapins discloses a similar device wherein the header (14) is movable relative to a feeder housing about a pendulum axis (15) in the direction of travel of the harvesting machine.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the drive shaft of van den Bossche on the device of Adams in order to provide a direct connection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the swing axis of Lapins in order to level the header on steep slopes.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

7. Claims 8-15 are allowed.

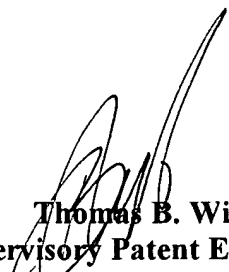
#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
September 7, 2005